



☐ EUROPA ☐ ABC ☐ Amsterdam ☐ Questions & Answers

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☒ Amsterdam: Questions & Answers

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2 October 1997

Why do we need a new European Treaty?

 1

The Treaty of Amsterdam has four main objectives:

- to place employment and citizens' rights at the heart of the Union;
- to sweep away the last remaining obstacles to freedom of movement and to strengthen security;
- to give Europe a stronger voice in world affairs;
- to make the Union's institutional structure more efficient with a view to enlarging the Union.

A Treaty is a document which binds two or more countries to do something together. It is therefore a collection of commitments which are negotiated, ratified and implemented. From its beginnings, European integration has progressed from treaty to treaty (1951 Treaty of Paris, 1957 Treaties of Rome and so on). To prepare the ground for a European Treaty, an intergovernmental conference (IGC) has to be called, attended by the Foreign Ministers of the Member States or their representatives. The European Commission also takes part. This conference will itself have been prepared by discussions among experts to clarify the issues. As soon as the negotiations on the Maastricht Treaty, signed on 7 February 1992, were completed, it was agreed that it should be revised around the middle of the decade: hence Article N, providing for a conference to be convened in 1996.

Since then, three countries (Austria, Finland and Sweden) have joined the Union. The democratisation and modernisation of the countries of Central and Eastern Europe has proceeded apace, giving them the hope of joining the Union in their turn. And within the Union itself, the implementation of the Maastricht Treaty is leading to an evaluation of what is working well and what needs to be improved; and the "monetary" aspect of the Union should be complemented by an "economic and social policy" aspect.

The last IGC lasted more than a year: it was opened in Turin on 29 March and came to an end in Amsterdam on 17 of this year with the political agreement on the new Treaty, reached at the highest level - that of Heads of State and Government meeting as the European Council.

The next steps are the official signing, public debate and ratification of the Treaty ([see question 26](#)).

The new Treaty concerns you, because Europe is the political framework in which you live and in which your children will live.

Will the Treaty improve the employment situation in Europe?

 2

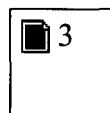
Implementing an employment policy basically remains the responsibility of Member States. It is governments which have the requisite levers. However, the Treaty of Amsterdam does establish a *framework* for these policies which can be taken quite far - if all those responsible want to be really dynamic and cooperate on this.

First of all, promoting a *high level of employment* is now down in black and white as one of the major objectives of the Union. This will be achieved by coordinating the employment policies of the Member States to develop a common strategy.

Secondly, the new chapter in the Treaty restores balance in the Union by creating a sort of counterweight to Maastricht's economic and monetary provisions. It is quite ambitious in the sense that it provides for permanent and regular collaboration within the Community framework:

- employment is a matter of common concern;
- the objective of a high level of employment is to be taken into consideration in the implementation of all the other common policies;
- achieving this objective is to be closely monitored:
  - the European Council of Heads of State and Government is each year to consider the employment situation in the Community, and adopt conclusions on it, on the basis of a joint annual report by the Council of Ministers and the Commission;
  - the Council of Ministers will carry out a detailed examination of the steps taken by governments to promote employment: if necessary, the Council may make recommendations to the governments. This will be done by qualified majority vote on a proposal by the Commission after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions. The Council may adopt incentive measures to finance pilot projects promoting employment;
  - an Employment Committee is being set up to promote coordination of national measures and dialogue between employers and labour, give opinions and make suggestions.

All these mechanisms are important because they make the Community institutions the guardians of an overall employment policy.



We have heard a lot about "Social Europe" - what progress is being made in this area on the basis of the Treaty?

"Social Europe" or the "social dimension" refers to the legislation and other measures which promote social dialogue, equal opportunities, etc., employment policy in the strictest sense of the word being dealt with by specific provisions ([see question 2](#)).

The Agreement on European social policy was not part of the Maastricht Treaty, being annexed in December 1991 to a mere protocol and committing only 11 Member States, as the United Kingdom did not accept it. With enlargement the 11 became 14. Since it has been accepted by the new UK Government, the protocol is now incorporated into the Union Treaty. In other words, all the Member States (currently 15) subscribe to it. This will help create a single legal framework for social issues.

This agreement followed in the footsteps of the 1989 Community Charter of fundamental social rights, on the basis of which the Community supports and complements Member

States' activities in the following areas:

- improvement of the working environment to protect workers' health and safety;
- working conditions;
- the information and consultation of workers;
- equality between men and women at work (labour market opportunities and treatment at work);
- the integration of persons excluded from the labour market.

Two European directives have been adopted as a result: one on European Works Councils and one on parental leave.

At Amsterdam, then, the Member States officially confirmed their commitment to social rights. Two other amendments to the Treaty brought major improvements

1. the inclusion of non-discrimination (for example, firmer action will be taken to combat racial discrimination at work);
2. greater equality between men and women at work; there is specific mention of equal pay and the idea of positive discrimination is introduced, i.e. the Member States will be able to undertake action designed to favour women in the interests of creating a proper balance in the employment field (measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers).

The Commission will also encourage dialogue and coordination on employment, the right to work, working conditions, training, social security, accident prevention, etc. In many areas of social policy, legislation is adopted in codecision with Parliament, and the Council votes by qualified majority. However, in five important areas the Council decides by unanimous vote and Parliament is merely consulted. These are:

- social security;
- protection of workers where their employment contract is terminated;
- defence of the interest of workers and employers;
- conditions of employment for immigrants;
- financial contributions for employment.

If it wishes to increase workers' security or improve the working environment, a Member State may take more stringent measures than those decided by the Union.

 4

**What does the Treaty do to offset the negative effects of economic globalisation?**

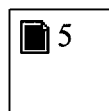
The globalisation of the economy is a phenomenon which affects every country in the world, not just the European Union. Organised free trade is the general philosophy to which the Member States subscribe, having long had a common commercial policy vis-à-vis the rest of the world.

As the world's largest trading power, the European Union imports and exports products, and that trade is regulated by international negotiations and arrangements which are highly complex. However, they have a very important bearing on our economies and hence on employment. These trade negotiations are carried out on behalf of the Union by the European Commission, on instructions from the Council of Ministers.

To allow for the increasing importance of intangible goods in international trade, the Treaty could have extended the existing provisions to the key areas of *services* and *intellectual property* rights, but the final text provides for this possibility only by unanimous decision of the Council, on a proposal from the Commission and after consulting the European Parliament.

The Treaty also provides for greater transparency in relation to trade negotiations, notably by keeping the European Parliament fully informed.

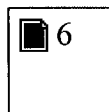
The negative effects of the globalisation of the economy will not be disarmed simply by implementing a common commercial policy, but also by defending the European social model (combating unemployment, reinforcing social policy, promoting equal opportunities, etc.).



**What about the plans for a single currency: what changes will the Treaty make?**

Here, nothing changes. Economic and monetary union was planned for and described in the Maastricht Treaty, and there are no amendments to this part of it in the Amsterdam Treaty.

At its meeting in Amsterdam on 1617 June, the European Council did approve a Stability and Growth Pact, and a resolution on growth and employment, both of which are part of the process towards economic and monetary union. But these documents are quite separate from the Amsterdam Treaty.



**What does the Treaty do for day-to-day security and the fight against crime, trafficking in human beings and drug trafficking?**

The challenge of the new Treaty is to create a European space for the free movement of people, goods and capital that is balanced by a guarantee of safety for all citizens. This means that the European Union and its Member States must track and combat all forms of organised crime, drug trafficking and terrorism.


The new Treaty addresses this in several new articles, which require different levels of cooperation between all Member States' national and local law enforcement and judicial authorities. The Treaty also calls for the establishment of a European research, documentation and statistical network on cross-border crime within five years.

Some important features of the Treaty which will guarantee citizens a high level of safety are:

- closer cooperation between police forces and customs authorities and directly with Europol, the European police network ;
- a legal requirement to have closer cooperation between all countries' police and judicial authorities - to combat and prevent racism, xenophobia, terrorism, organised crime, trafficking of persons and offences against children, drug trafficking, corruption and fraud;
- Europol can ask Member State authorities to conduct joint investigations in specific

- cases; it can also develop special expertise to help in fighting certain types of crime ;
- Member States are encouraged to create joint crime-fighting teams, which can be supported by Europol ;
- easier extradition of criminals between Member States ;
- a common minimum standard for rules and penalties for organised crime, terrorism and drug trafficking will be adopted across the European Union.

Each Member State will, of course, continue to be responsible for its own internal security; the Treaty has no effect on this.

 7

**What guarantees does the Treaty give me as a consumer, especially as regards my health, in order to prevent any further tragedies like mad cow disease or the contaminated blood scandal?**

These serious cases have made politicians look at ways of making sure that disgraceful situations of that kind do not occur again. Public health and consumer protection already figured in the previous Treaties, and the European Commission has already adopted large numbers of legislative and budgetary initiatives. The Amsterdam Treaty markedly strengthens these policies at both Community and national level.

In the Single European Act (1986), the key article was Article 100a, the legal springboard for completing the internal market. Under this article, the Commission is required to "take as a base a high level of protection" in its proposals concerning health, safety and consumer protection. This obligation applies only to the Commission and is in line with the requirements and the internal logic of the single market system. In the Amsterdam Treaty, it applies not only to the Commission but also to the European Parliament and the Council of Ministers.

At Maastricht, two new chapters, entitled "Public Health" (Title X) and "Consumer Protection" (Title XI) were inserted. These chapters are made tougher in the Amsterdam Treaty.


Article 129 of the Treaty, as amended, stipulates that a high level of *human health* protection must be assured in the definition and implementation of *all* Community policies and activities. In other words, this requirement applies to all the common policies, especially the CAP. It binds all political players. Community action will complement national action. It must be directed towards improving public health and removing sources of danger to human health. It will cover the fight against the major threats to health, the promotion of research into their causes, their transmission and their prevention, as well as health information and education. The Community will complement the Member States' action in reducing drugs-related health impairment, including information and prevention.

The Treaty also describes, in some detail, the measures that the Council of Ministers must take in codecision with Parliament:

- measures setting high standards of quality and safety for organs and substances of human origin, blood and blood derivatives;
- measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;
- incentive measures designed to protect and improve human health (excluding any harmonisation of national law).

Regarding *consumer protection*, Article 129a is also strengthened. It now constitutes a legal basis for a complete and diverse range of action at European level in the interests of 380 consumers. The following paragraph is added: "In order to promote the interests of consumers and to ensure a high level of consumer protection, the Community shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests."

The same clause as for public health applies: "Consumer protection requirements shall be taken into account in defining and implementing other Community policies and activities."

 8


How will this new Treaty help to improve the quality of our environment and protect nature?

All the opinion polls show that people are increasingly aware of environmental issues such as nature conservation, the quality of the air we breathe and the water we drink, and noise pollution. Keeping the quantity of waste down and using durable goods are also ways of showing respect for the environment.

Balanced and lasting development, as expressed in the Amsterdam Treaty, has become one of the Union's main objectives.

The Community must also do its best to bring about the same level of protection and improvement of the quality of the environment in all its sectoral policies such as the agriculture, transport and regional policies. This obligation will now fall not only to the Commission, but also to the European Parliament and the Council of Ministers. Within the Council, certain decisions will still be taken by unanimous rather than majority vote, as the Commission had hoped, but codecision with Parliament is now extended to cover a good deal of environment policy.

Lastly, when the Commission makes proposals that might have an impact on the environment, it will have to be able to assess the impact of them.

 9

Is there anything in the Treaty which specifically combats inequality and discrimination between people in Europe, in particular between men and women?

The Treaty is quite clear: it contains a new article devoted to the *general principle of non-discrimination*.

In other words, the Union itself can lead the fight against any form of discrimination, whether it is based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Any appropriate action may be taken by the Council of Ministers (without prejudice to the other provisions of the Treaty, and within the limits of the powers conferred on it), deciding by unanimity on the basis of a proposal from the European Commission, and after consulting the European Parliament.

The provisions relating to police and judicial cooperation apply mainly to preventing and combating racism and xenophobia.

Sexual equality is mentioned in several places:

- first, as one of the main objectives promoted by the Community (added to Article 2 of the EC Treaty);
- secondly, the following sentence is added to Article 3 of the EC Treaty: "In all the activities referred to in this Article, the Community shall aim to eliminate inequalities, and to promote equality, between men and women." The activities concerned are work and professional activity;
- finally, under social policy, specific provisions promoting equality are also adopted (see question 3).

	10
<p><b>Are checks on people at the European Union's internal borders finally going to be abolished?</b></p>	

Such checks have already been abolished between a number of Member States. This is the result of the Schengen agreements, so called after the little town in Luxembourg where they were concluded several years ago. These agreements have proved effective, and are now incorporated into the Amsterdam Treaty, though certain Member States are still allowed to derogate from them.

An agreement between the governments of the Benelux countries, the Federal Republic of Germany and France on the gradual abolition of checks at their common borders was first signed in Schengen on 14 June 1985. On 19 June 1990, also at Schengen, a Convention on the practical application of the 1985 agreement was signed between Belgium, Germany, France, the Grand Duchy of Luxembourg and the Netherlands. An Executive Committee was set up. Several other EU Member States then signed the Schengen provisions: Italy (27 November 1990), Spain and Portugal (25 June 1991), Greece (6 November 1992), Austria (28 April 1995), Finland and Sweden (19 December 1996) and, on this last date, Denmark too, although it has not yet ratified the agreement.

Schengen, in other words, has come about through collaboration between governments outside the Community framework. At the time, the political conditions did not exist within the Community decision-making system to progress towards the abolition of border controls, and certain Member States chose to push on ahead themselves. Today, the context has changed, and it has been possible to incorporate all the Schengen *acquis* into the Union framework. It slots into the Treaty in line with the following principles:

- cooperation between the 13 Member States which are signatories to Schengen will take place within the legal and institutional framework of the Union: the Executive Committee mentioned above is replaced by the Council of Ministers, and the Schengen secretariat is incorporated into the Council's general secretariat, so that the administration is simplified;
- the Amsterdam Treaty recognises the special nature of the United Kingdom and Ireland, which did not sign Schengen. These two countries are authorised to keep checks at their borders but may, at any time, choose to rejoin the club, or simply certain aspects of it;
- there are also special arrangements for Denmark;
- the Schengen *acquis* must be accepted in full by any country wishing to join the Union;
- Norway and Iceland are not members of the European Union but did sign the Luxembourg agreement on 19 December (with Denmark, Finland and Sweden - see



above): the Council of Ministers of the Union - since it will have become competent for the Schengen *acquis* - will have to conclude a special agreement with the two countries laying down the relevant procedures.

The Amsterdam Treaty also requires the Council of Ministers, within five years of the entry into force of the Treaty, to adopt measures aimed at ensuring the free movement of persons and the absence of any controls on persons, be they citizens of the Union or nationals of non-member countries, when crossing borders between the Member States. In other words, in five years' time, the abolition of internal controls will be *complete within the Union*, but until then any decisions in the Council will have to be made by unanimity.

The governments have also agreed to take joint measures in the fields of asylum, immigration and controls at the Union's external borders. More efficient management of the external borders will mean that internal checks can be relaxed, encouraging the free movement of people (see question 11).

11

And what will happen at the external borders of the Union, for example in terms of immigrants, asylum seekers, etc.?

The new Treaty calls for the stage-by-stage establishment of an area of freedom, security and justice across the European Union. It lays down specific measures to create a common European policy on controls and authorisation to enter via the Union's external borders, especially in the areas of control and movement of people and dealing with asylum seekers and immigration questions.

Within five years of its entry into force, measures will be adopted by Member States in areas such as:

- removing all controls on people crossing *internal borders* - whether EU citizens or nationals of non- member countries;
- in respect of controls at all the European Union's *external borders*, the establishment of:
  - common standards and procedures for checking people;
  - common rules on visas for intended stays of no more than three months;
  - a common list of non-member countries whose nationals must hold visas when crossing external borders, and a list of non-member countries whose nationals are exempt from this requirement.

Other elements which the Member States must introduce include:

- common procedures and conditions for the issue of *visas* by Member States;
- a uniform format for visas;
- definition of the terms on which nationals of non-member countries shall be free to travel within the EU for three months.

Within these requirements, Member States will be able to negotiate special agreements with non-member countries, provided they respect European Union laws and other relevant international agreements.

Regarding **asylum**, the new Treaty lays down:

- the criteria and mechanisms for determining which Member State is responsible for


considering an application for asylum submitted by a national of a non-member country in one of the Member States.

The Treaty also defines minimum standards for:

- the reception of asylum seekers in Member States;
- classifying nationals of non-member countries as refugees;
- procedures in Member States for granting or withdrawing refugee status;
- temporary protection for displaced persons from non-member countries who cannot return to their countries and persons who otherwise need international protection.

In the area of **immigration**, the new Treaty lays down:

- the terms of entry and residence in the European Union, and standards for procedures for the issue of long-term visas and residence permits by Member States;
- standards for dealing with illegal immigration and illegal residence, and the repatriation of illegal residents.
- the rights of citizens of non-member countries who are legally resident in a Member State and the terms on which they may reside in other Member States.

 12

We often hear about "a citizens' Europe" - what does this mean in the new Treaty?

A citizen is someone who enjoys civil and political rights (originally in consequence of his or her belonging to a city, hence the word "citizen"). There were already provisions for European citizenship in the Maastricht Treaty, in particular the right of all citizens of the Union to vote and to stand as a candidate in local elections in all the Member States.

The expression "a citizens' Europe" has a broader dimension; it means that European integration is being carried through *for* the citizens and *with* them. It embraces the idea of bringing the European institutions closer to the public and greater participation by ordinary people in Union affairs.

The politicians who negotiated the Amsterdam Treaty tried to keep this very proper concern in mind - first, by avoiding the secrecy which surrounded the Maastricht Treaty preparations: this time, the Intergovernmental Conference took place in public and considerable effort went into keeping the public informed. Secondly, provisions on citizenship were included in the Treaty. In order to avoid any misunderstanding, the Treaty stipulates explicitly that "citizenship of the Union shall complement and not replace national citizenship", thus expanding on Article 8, which reads: "Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union." Every citizen has the right to petition the European Parliament and to apply to the European Ombudsman, and - a new provision in the Amsterdam Treaty - may write to any of the Union institutions and have an answer in the same language.

Even more importantly, the Treaty states that "the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States." If a Member State breaches these principles, it may be penalised. Likewise, to become a member of the Union, a country must, of course, respect these principles.

The Treaty addresses a whole series of problems which directly concern citizens in their everyday lives, including employment, health, the environment, consumer protection,

security, public services and transparency (see the relevant questions).

The Treaty is particularly specific on creating a genuine European area of freedom, security and justice. It stipulates that the Community must respect and promote the diversity of its cultures. The principle of subsidiarity is also spelled out, stating that decisions should be taken at the level closest to the citizen whenever possible. Decisions at Union level will increasingly be taken by the people's representatives in the European Parliament (see [question 18](#)). Citizens will also have political relays in the form of regional and local representatives on the Committee of the Regions.

Finally, the Treaty makes special provision for citizens in the outermost regions, the island regions (the Azores, Madeira, and the Canaries) and the overseas countries and territories, especially with a view to their economic and social development.

**What does the Treaty say about education, scientific research and culture?**

 13

Contrary to received wisdom, European integration is not exclusively based on the private sector, important though this is for general prosperity and job creation. Scientific research is a strategic field for Europe's future and there is a common policy on it which goes right back to the Euratom Treaty of 1957. Currently, the Union is coordinating national research within a multi-annual framework programme. It has research centres in several Member States. However, while a "researchers' Europe" may exist, the proportion of investment that the Union puts into research is still inadequate, causing it to fall further and further behind the United States.

The Amsterdam Treaty improves the decision-making system for framework programmes for research: instead of the Council of Ministers adopting them by unanimous vote (a familiar generator of obstruction), it will do so by qualified majority vote, which will increase efficiency and flexibility.

More broadly, the idea of a *Europe of knowledge* is making headway. From now on, the exchange of knowledge must not just be the business of academics, but of all citizens. This affects culture, education and training. Of course these areas remain within the jurisdiction of national governments, in accordance with the subsidiarity principle. But European programmes concerning teachers and students (mobility, pooling of experience, etc.) have shown that the Union could help collectively enrich the field. The European Year of Lifelong Learning (1996) made broad segments of the population aware of this need too. However, the level of illiteracy in Europe remains very worrying. In the Amsterdam Treaty, the Member States declare that they are "determined to promote the development of the highest possible level of knowledge for their peoples through a wide access to education and its continuous updating".

**What about public services?**

 14

*Services of general interest* were mentioned back in the EC Treaty (Articles 77 and 90). The Amsterdam Treaty devotes a new article to them, worded as follows: "Without prejudice to Articles 77, 90 and 92, and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and

territorial cohesion, the Community and the Member States, each within their respective powers and within the scope of application of this Treaty, shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions." In other words, this article of the Treaty offers a guarantee, a kind of general protection of public services.

But the Treaty is more specific as regards public service broadcasting, where a special protocol is annexed; this protocol allows the Member States to continue funding their *public service broadcasting* for the fulfilment of their remit, though without affecting trading conditions and competition in the Community.

Will the Treaty protect privacy?

 15

Many people are concerned that their right to privacy is being compromised as information about their private lives is being stored on computers and databases - and can easily be copied and transferred between people, organisations and government services without their permission.

It is true that international legislation on data protection and data privacy has fallen behind the rapid advances in information technology and the emerging Information Society. The new Treaty addresses this by including measures to protect every individual's right to privacy.

A new article in the Treaty protects individuals from the processing of personal data and the free movement of such information by institutions and administrations that handle it.

Another example is the Treaty's new article on law enforcement and joint police cooperation - where the need to safeguard the privacy of people's personal data is specifically mentioned. It says that reports on suspicious financial transactions should be exchanged and analysed - subject to appropriate provisions on protecting personal data.

To comply with European legislation that was in force before the new Treaty was signed, an independent supervisory body is being set up to monitor the application by Union institutions and bodies of Community data privacy laws.

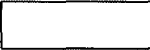
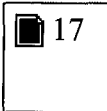
Does the Treaty cover sport?

 16

There is a section on sport which, though brief, is worth a mention.

"The Conference emphasises the social significance of sport, in particular its role in forging identity and bringing people together. The Conference therefore calls on the bodies of the European Union to listen to sports associations when important questions affecting sport are at issue. In this connection, special consideration should be given to the particular characteristics of amateur sport."

This is a declaration to be inserted in the Final Act, not an article of the Treaty, and therefore does not have the same legal value. However, the text indicates that sport is not an economic activity like any other and that there must be a more thorough dialogue between the institutions and the world of sport.

   
**Will Europe have a real foreign policy, especially in the interests of keeping the peace and preventing a recurrence of the Yugoslav tragedy?**

The European Union's greatest achievement is that there is peace between its members. But the public also want the Union to be able to guarantee peace across the whole continent of Europe and, if possible, all over the world - a challenge which cannot be met in a day. A great deal has already been done to make our countries, with their long individual diplomatic traditions and sometimes divergent geopolitical interests, work together. As a trading power, soon to be a monetary power, Europe needs to equip itself with the means of conducting a forward-looking, representative and effective foreign policy. Steps also need to be taken to make the Union's various forms of external action more coherent, i.e. diplomatic action, commercial policy, humanitarian aid policy, and the strategy pursued by the Member States and the European Commission in international bodies.

Traditional forms of foreign policy action remain intergovernmental and subject to the principle of unanimity. This means that a single country can obstruct an action which all the other Member States of the Union would like to take. Obviously there is no question of having a foreign policy that embraces every single detail of relations with the rest of the world, but the Member States should speak with one voice on specific matters and particular regions of the world where the vital interests of the Union are at stake, such as central and eastern Europe, the Mediterranean and Baltic regions, relations with the United States and relations with Russia.

The Maastricht Treaty sketched out a new framework for general action in the common foreign and security policy (CFSP), but with cumbersome, complicated and ineffective machinery. The Amsterdam Treaty includes a series of quite innovative principles, but has not opened the way to a genuine common foreign policy. It is not a basis from which the Union can make a qualitative leap forward. Let us look in detail at the pros and cons.

***A. Positive innovations introduced by the Amsterdam Treaty.***

1. Firstly, the CFSP must be grounded in the principles of territorial integrity and must be in explicit conformity with the principles of the United Nations Charter.
2. The Member States will have to step up cooperation between them and develop new forms of mutual political solidarity.
3. The Union will also be able to carry out humanitarian aid and peacekeeping tasks (known as Petersberg tasks). A very positive development is the fact that even the Union's traditionally neutral Member States (Austria, Finland, Ireland and Sweden) have agreed to contribute to these missions which do not call their status into question.
4. The Treaty brings in some innovative decision-making methods. The types of act possible now include the working out of *common strategies*, along with general foreign policy guidelines, joint actions and common positions. These common strategies will be decided by the European Council. They can then be put into effect by qualified majority vote of the Council of Ministers, to ensure the flexibility essential to any foreign policy operation.

A constructive abstention clause has been inserted into the new Treaty. This will allow one or more Member States to abstain when certain decisions are adopted and implemented, without preventing the other Member States from acting. If a Member State opposes a decision for very important reasons of national policy, it can be referred to the European Council (made up of Heads of State and Government and the

President of the Commission) by qualified majority vote of the Foreign Ministers' Council. The European Council will then have to decide on the issue by unanimous vote.

5. To give the CFSP visibility and coherence, the Treaty provides for the Union to be represented in a different way: it will consist of the Member State holding the Presidency of the Council and a group (called the *troika* in the Community jargon) consisting of the Presidency of the Council, the Commission and the Secretary-General of the Council, who will act as the Union's *High Representative for the common foreign and security policy*.
6. The attention paid to the need to establish greater coherence is also reflected in the provisions confirming the tasks of the Commission, which is fully associated in the drafting of European foreign policy and, at the Council's request, may submit whatever proposals it considers necessary for the implementation of a joint action.
7. The Member States will analyse potential conflict zones together and anticipate crisis situations. A *policy planning and early warning unit* is being created for this purpose. It will consist of officials from the Council, the Commission and the Member States and will be responsible for analysing and mapping out the broad outlines of the common foreign and security policy and may, at the Council's request, submit studies, recommendations and action strategies.

### ***B. Weaknesses of the Amsterdam Treaty.***

1. The number of cases in which decisions can be taken by majority is still too limited.
2. No agreement was reached on the incorporation of the Western European Union into the European Union, which would make it possible to devise a genuine European defence policy while maintaining very solid ties with the United States through transatlantic cooperation and NATO. To settle this and other matters the Member States have agreed to hold a new Intergovernmental Conference.

☐ Are we heading for a European army, or even European military service?


 18

No European defence or military policy has been adopted as a part of the Treaty.

Consequently, there are no provisions for the creation of a European Army or for European military service. There will not be a European army with its own uniforms or European military service, as some people have speculated.

But the Treaty does call for the progressive creation of a common European defence policy, which covers humanitarian and rescue tasks, peacekeeping, the use of combat forces in crisis management, including peacemaking.

This means that, when this policy is complete, the European Union will MAY call on the Western European Union (the defence arm of the EU) to implement decisions of the EU that have defence implications. But NATO will continue to be the major feature of European defence.

 How far will the Treaty allow, or even speed up, enlargement of the Union to other countries?

 19

In itself, the Treaty is not a factor for accelerating enlargement; it is the precondition which makes it possible. In other words, the Union's leaders would like to put their house in order before opening it up to newcomers. On institutional issues, the discussions need to be reopened since certain questions (the composition of the Commission and the weighting of votes in the Council) were not resolved at Amsterdam.

The European Union has committed itself to opening negotiations with the applicant countries in central and eastern Europe, and Cyprus, six months after the end of the Intergovernmental Conference which culminated in the draft Treaty of Amsterdam. On 15 July the European Commission adopted a key document, "Agenda 2000" on enlargement, policy reform and the financial perspective. At the end of 1997 the first decisive steps will be taken along the path towards enlargement. The negotiations will be formally opened in Luxembourg at the European Council in December. The negotiations proper are likely to be fairly lengthy. Once they are concluded, the Accession Treaties will be submitted for ratification on both sides. It is not until the beginning of the next decade that the applicant countries will actually be able to join the Union.

The conditions each one has to meet were laid down by the Copenhagen European Council back in June 1993: they must have stable institutions which guarantee democracy, the rule of law, human rights, and respect and protection for minorities; there must be a viable market economy capable of withstanding competition from the Union; and they must be able to endorse the objectives of the Union.

Enlargement is a crucial step in the shaping of a reconciled, peaceful and democratic Europe. The possibility of achieving this historic objective first became a real prospect in November 1989, when the fall of the Berlin Wall sounded the death knell of the iron curtain and the Cold War system by opening the way to German unification and free, democratic elections in all the central and eastern European countries.

At the time the European Union had twelve Member States and was committed to establishing a single market in which there would be freedom of movement for people, services, goods and capital by the end of 1992. The Union immediately gave Europe's new democracies its support by concluding a series of association agreements with them which led gradually to a liberalisation of trade between western Europe and central and eastern Europe. At the same time, substantial financial aid arrangements (particularly the Phare programme) were set up to facilitate the transition from a centralised economy to a market economy. A special White Paper published in 1995 listed the laws and regulations the applicant countries should enact in the economic policy sphere to prepare the ground for their future accession.

The inclusion of the central and eastern European countries will be the European Union's fourth enlargement. In 1973, the United Kingdom, Ireland and Denmark were the first to join the Community founded by Germany, France, Italy and the three Benelux countries. At the beginning of the 1980s the Community expanded to the south, with Greece joining in 1981, followed by Spain and Portugal in 1986. In 1995 it was the turn of Sweden, Finland and Austria. Any European country may apply to become a member of the Community if it complies with its fundamental principles ([see question 12](#)). The door is still open.

20

### Will the European Union be more democratic?

The European Community has become more democratic as European integration has progressed. In the 1970s, the European Parliament saw its budgetary powers increase, and in 1979 we had the first European elections with universal direct suffrage. Since then, the people of Europe have elected their representatives every five years.

It is too often overlooked that the Maastricht Treaty made progress along the path of democratisation in the sense that it involved the European Parliament more closely in the legislative process. But there are still too many procedures for making laws, and they are too complicated.

The Amsterdam Treaty strengthens the European Parliament's powers and limits to three the number of procedures in which it has a role: assent, codecision with the Council and consultation. Obviously, the *codecision* procedure is the most important politically. Its scope is extended to new policy areas: employment, social policy, health, freedom of movement, the single market, transport, the Structural and Cohesion Funds, research, the environment, development cooperation, non-discrimination on the basis of nationality, transparency, fraud prevention, customs cooperation, statistics and data protection. This codecision procedure will be made simpler and quicker.

The *assent* procedure applies to the accession procedure, the Structural and Cohesion Funds, the introduction of a uniform election system for the European Parliament, the conclusion of international agreements, and - a new provision in the Treaty - the sanctions applicable in the event of a serious and persistent breach of fundamental rights by a Member State.

Furthermore, in future the person nominated as President of the Commission will have to be approved (or rejected) by Parliament.

As Parliament now has direct democratic legitimacy, it is right and proper, according to democratic principles, that its influence should increase. However, we should not forget that the other players in the Union system also possess democratic legitimacy:

- the Heads of State and Government have been chosen by the people in presidential or parliamentary elections;
- the vast majority of the ministers in the Council are also elected representatives;
- the members of the European Commission are appointed by governments and confirmed by Parliament (in most cases they are politicians and have stood for election several times);
- the members of the Committee of the Regions are mostly regional or local elected representatives.

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### What role will my national parliament play from now on?



The Treaty brings about a major improvement in your parliament's role in European Union affairs, by introducing procedures which require open and clearer communication between the European institutions and national parliaments. A mandatory six-week consultation time is now a part of the procedure, to give national parliaments the opportunity to review and react to all upcoming Council decisions.



For the first time, all European Commission proposals and preparatory documents (Green Papers, White Papers etc.) must be sent to national parliaments.

The Treaty also allows the COSAC (Conference of European Affairs Committees) - the organisation bringing together all national parliaments - to comment on all EU decisions and legislation, and to put forward their comments before final decisions are passed. This was not previously possible.

Under the new Treaty, the function of your national parliament, and its role with respect to your country and the European Union, will remain the same. For its EU affairs, your parliament will continue to be responsible for examining the work of your ministers when they vote on your country's behalf at Council meetings at the European level.

  22  
**What changes does the Treaty make to the Union's decision-making system?**

The Union's institutions constitute a political entity which is unique in the world and in history. The institutional structure is fairly complex and this fact sheet does not set out to describe it. For an overview, please refer to the brochure "Working Together - The Institutions of the European Community and Union", published by the Commission (*European Documentation* series), the fact sheets sent out as part of the *Building Europe together* campaign or under [HTTP:EUROPA.EU.INT/INSTITUTIONS](http://EUROPA.EU.INT/INSTITUTIONS) on the EUROPA server on the Internet.

Since Maastricht, the Union has been based on three pillars:

- the European Communities (based on the Treaties of Paris and Rome and the Single European Act), whose main spheres of activity are the internal market and the traditional common policies (the CAP etc.);
- the common foreign and security policy;
- cooperation in the field of justice and home affairs.

All observers nowadays admit that decision-making is more effective in the first pillar than the other two, which have remained intergovernmental in concept.

The novelty of the Treaty is that it *shifts some of the work hitherto done under the third pillar to the first*. Areas from the third pillar that will be incorporated into the Community sphere are everything concerning the crossing of the external borders, immigration and judicial cooperation on civil matters. In criminal matters and the police, governments and civil services will continue to cooperate among themselves, but with a more legally binding and effective system.

The ground for incorporating these areas into the Community sphere is the logical link between:

- free movement of people (already in the first pillar);
- the need for measures to ensure the security of people within the same area.

These areas will be brought into the Community sphere according to a set timetable: after a period of five years throughout which unanimity in the Council will continue to apply, Community procedures and qualified majority voting will take effect, leading to more and quicker decisions.

The Schengen rules on the abolition of border checks within the Union will also come under the first pillar ([see question 10](#)).

The *second* pillar will remain in place, but with new provisions specific to it which should increase the effectiveness of the common foreign and security policy ([see question 16](#)). However, although the approach will remain intergovernmental, the European Commission will be able to make proposals for the implementation of a joint action; it will be fully associated with this type of task as well as with the work of the policy planning and early warning unit. There is also provision for an interinstitutional agreement (Parliament/Council/Commission) to finance the common foreign and security policy.

Let us now take another look at the *first pillar*, where the Amsterdam Treaty provides for specific innovations.

1. *Qualified majority voting* in the Council is essential for effective decision-making. It is extended to the following fields:

- employment guidelines and incentive measures;
- social exclusion;
- free movement of persons (after five years, see above and also [question 10](#));
- special treatment for foreign nationals;
- public health;
- equal opportunities and equal treatment for men and women;
- research and technological development;
- countering fraud;
- customs cooperation;
- statistics;
- data protection (establishment of an independent advisory authority);
- the outermost regions.

2. Parliament is more closely involved in the legislative process:


- by the number of procedures being cut to three;
- by the extension, simplification and acceleration of the codecision procedure ([see question 20](#)).

**What are the other institutional provisions?**

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1. The number of Members of the European Parliament may not exceed 700 (however many Member States there may be in future);
2. The role of the Commission President is reinforced politically:
  - his nomination, by common accord of the governments, must be approved by Parliament;
  - the Members of the Commission are to be nominated by common accord between the governments and the President;
  - the President is to define the Commission's general political guidelines.
1. The Court of Justice has direct responsibility for ensuring that human rights are respected (1950 European Convention) and its jurisdiction is extended to the fields of immigration, asylum, visas and the crossing of borders, and, where necessary, the police and judicial and criminal cooperation.

2. The Court of Auditors is strengthened, especially in terms of its investigative powers, which will be an additional guarantee of the sound management of public funds.
3. The Economic and Social Committee must be consulted in new fields (employment, social matters and public health), and at the request of the European Parliament.
4. The Committee of the Regions has greater administrative autonomy. It must be consulted in new fields (employment, social matters, public health, environment, social fund, vocational training and transport), and at the request of the European Parliament.
5. The national parliaments are more closely associated with the work of the Union (see question 21).

☐  24

Will this Treaty keep me better informed about the Union's decisions, and will they be easier to understand in future?


Keeping people better informed is the practical expression of a determination to bring Europe closer to its citizens. The Treaty takes various steps towards achieving this goal.

First of all, the Commission, in its role as initiator of Community legislation, is to consult widely before making proposals for legislation and, wherever appropriate, is to publish consultation documents.

In terms of the transparency principle, this Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken *as openly as possible* and as closely as possible to the citizen. Limits to this may only be set by an act taken by codecision. The Treaty also states that the Council, when acting in its legislative capacity, is under an obligation to make votes and explanations of vote public. To this end, a new article has been inserted into the Treaty, stipulating that any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the European institutions (Parliament, the Council and the Commission), according to specific provisions in the rules of procedure of each institution, with a view to the greatest possible openness.

To make the Union's decisions easier to understand in future, the Intergovernmental Conference also adopted a declaration which stresses the importance of the quality of the drafting of Community legislation: to achieve this, the three institutions which are involved in the procedure for adopting Community legislation, i.e. the European Parliament, the Council and the Commission, will establish special guidelines. This will ensure both that EU legislation will be implemented more effectively by the competent national authorities and that it will be easier for the public to understand.

There is also a declaration in the Final Act which states that the work carried out to simplify the previous Treaties must be complemented by a consolidation of all the relevant Treaties, including the Treaty on European Union; here, the work already under way will be speedily concluded after the Treaty is signed. This will make it easier for readers to understand the texts and see how all Community legislation fits together. However, the resulting text will have no legal force.

☐  25

What do "closer cooperation" and "flexibility" mean in this Treaty?

These two expressions mean the same thing. There is a whole section devoted to this question and it is an important addition. As the number of Member States of the Union keeps increasing and not all of them want to move towards integration at the same speed in all areas, certain countries have shown an interest or desire to move ahead in certain fields. The idea of creating a sort of vanguard or "hard core" in the Union may have a mobilising effect; it will certainly prevent a situation where European integration advances at a pace set by the slowest or least enthusiastic member. But at the same time, this idea raises serious political and legal questions, such as: How will any decisions be taken? How will institutions designed for 15 function when it comes to initiatives which only involve some of the Member States?

The Treaty provides a response by allowing closer cooperation in the three "pillars" of the Union (see question 22) but on fairly strict conditions (such as furthering the objectives of the Union, respecting the principles set out in the Treaties and the single institutional framework, only using this option as a last resort, with at least a majority of the Member States involved, not encroaching on the *acquis communautaire*, and being open to the other Member States).

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What are the next political moves in Europe going to be now?

The Amsterdam Treaty has been signed (on 21997) and must now be ratified, i.e. given final approval by all the Member States. When the 15 ratifications are completed - and only then - it can enter into force.

In the meantime, the European Parliament will also have expressed its opinion by voting, which is expected before the end of the year. If the Treaty does not secure a majority in the European Parliament, this may affect the attitude of one or other national parliament: Italy, for example, has made it clear that it will reject the Treaty if the European Parliament does so.

Ratification in the Member States can be done in two ways:

- either the people are consulted by referendum;
- or the national parliament votes on it: the men and women that you have elected decide on your behalf.

In both cases, the people or their representatives have the last word. This is how a democracy works, and all the Member States are democracies.

This Treaty paves the way for the opening of negotiations for the enlargement of the Union to other countries (see question 19).

At least one year before the Union has more than 20 Member States, a new intergovernmental conference must be convened to review the problem of the institutions (their composition and functioning).